

AB:AFP

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
-----X

UNITED STATES OF AMERICA

COMPLAINT

- against -

(18 U.S.C. §§ 1951(a) and 2)

CHARLES THOMAS,

22-MJ-1062

Defendant.

-----X

EASTERN DISTRICT OF NEW YORK, SS:

TYLER MICELI, being duly sworn, deposes and states that he is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), duly appointed according to law and acting as such.

On June 16, 2022, within the Eastern District of New York, the defendant CHARLES THOMAS, together with others, did knowingly and intentionally conspire to obstruct, delay and affect commerce and the movement of articles and commodities in commerce, by robbery, to wit: the robbery of cell phones from a T-Mobile store located at 321 Avenue X, in Brooklyn, New York.

(Title 18, United States Code, Sections 1951(a) and 2)

The source of your deponent’s information and the grounds for his belief are as follows:¹

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

Explosives (“ATF”) and have been since 2015. I am currently assigned to the Joint Robbery Task Force. In this capacity, I investigate crimes involving pattern armed robberies and crimes involving firearms. I am familiar with the facts and circumstances set forth below from my direct participation in the investigation, my review of the investigative file and from reports of other law enforcement officers involved in the investigation.

The Robbery Conspiracy and the Defendant CHARLES THOMAS’s Indicted Co-Conspirators

2. The United States is investigating a robbery conspiracy involving two armed robberies (an attempted robbery and a completed robbery) of T-Mobile cell phone stores in Brooklyn on June 16, 2022 (the “Robbery Conspiracy”). The robberies took place at the T-Mobile stores listed below at the following approximate dates and times:

- a. 531 Utica Avenue – Brooklyn, New York on June 16, 2022 at approximately 6:38 p.m. (“T-MOBILE STORE-1”);
- b. 321 Avenue X – Brooklyn, New York on June 16, 2022 at approximately 7:40 p.m. (“T-MOBILE STORE-2”);

2. Two of the defendant CHARLES THOMAS’s co-conspirators, who participated in the Robbery Conspiracy on June 16, 2022, also carried out a separate robbery of a T-Mobile Store in Queens on June 30, 2022, which led to their arrest. Those co-conspirators (“Co-Conspirator 1 and Co-Conspirator 2”) were charged federally with Hobbs Act robbery in connection with that Queens robbery.

3. The Robbery Conspiracy on June 16, 2022 relied on the use of two vehicles to carry out the robberies: (1) a Cadillac Escalade (the “Escalade”) registered to Co-Conspirator 2; and (2) a red/maroon Jeep Grand Cherokee rental (the “Cherokee”) driven by the

defendant CHARLES THOMAS. THOMAS's connection to the Cherokee is discussed in greater detail below.

The Robberies on June 16, 2022

4. On June 16, 2022, at approximately 6:38 p.m., surveillance video from T-MOBILE STORE-1 captured a male perpetrator wearing a light grey hoodie (believed to be Co-Conspirator 1 based on the investigation) approaching several employees as they prepared to leave for the day. Based on a review of surveillance video and witness interviews, Co-Conspirator 1 then retrieved a firearm from his waist, pointed it at the employees and then ordered everyone back into the store. Co-Conspirator 1 then demanded to be taken into a back room. He appeared to be on a cell phone at this time.

5. According to a witness interview, one of the employees explained to Co-Conspirator 1 that the door to the back room would trigger an alarm if opened. At that point, the same employee overheard an unknown person on Co-Conspirator 1's cell phone state, "he's lying to you." The employee then complied and opened the door, which activated the store alarm. Co-Conspirator 1 then fled the store without taking any property.

6. Surveillance video from before the robbery captured the Escalade (belonging to Co-Conspirator 2) arrive and park near the intersection of Rutland Road and E. 51st Street - one block from T-MOBILE STORE-1. A short while later, the Cherokee (believed to be driven by the defendant CHARLES THOMAS as discussed below) pulled up behind the Escalade. Co-Conspirator 1 then exited THOMAS's Cherokee and walked towards T-MOBILE STORE-1.

7. The Cherokee then drove away as the Escalade remained parked at the intersection. Moments later, Co-Conspirator 1 walked back from the direction of T-MOBILE

STORE-1 and got into the passenger side of the Escalade. Within minutes, Co-Conspirator 1 exited the Escalade and walked back towards T-MOBILE STORE-1 once again.

8. About 20 minutes later, after the attempted robbery of T-MOBILE STORE-1, surveillance video captured Co-Conspirator 1 running back toward the Escalade, holding what appeared be a brown bag in his hand and jumping into the passenger side of the Escalade. The Escalade then drove away.

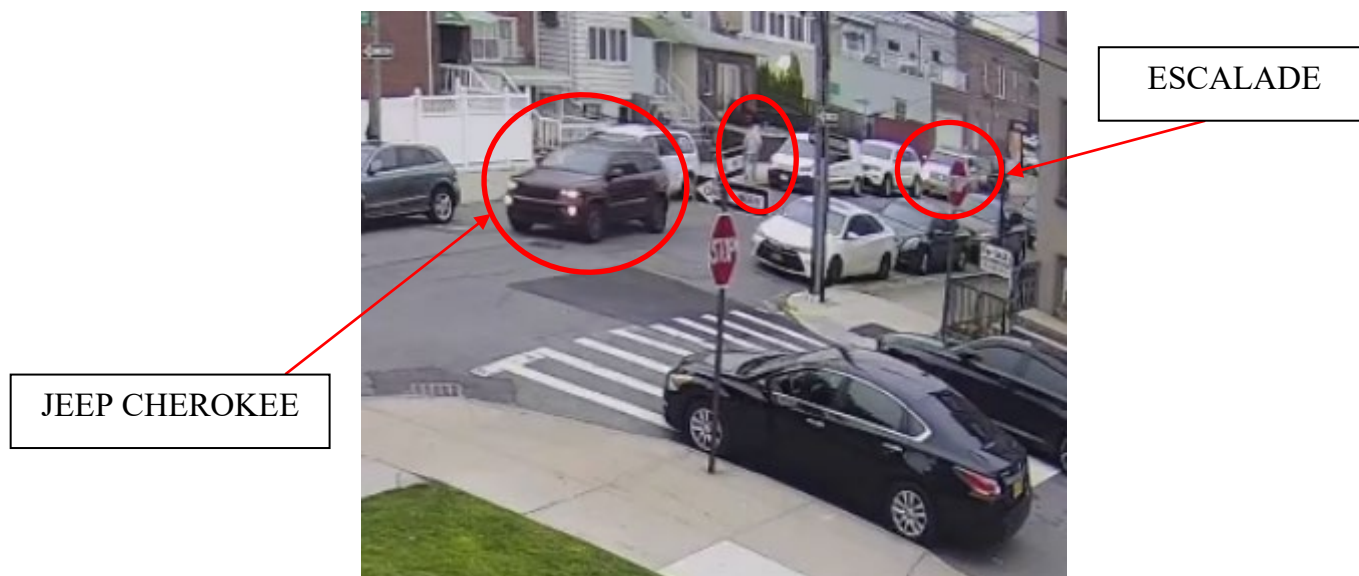
9. Later the same day, surveillance video captured a male believed to be Co-Conspirator 1, entering T-MOBILE STORE-2 store about an hour after the robbery of T-MOBILE STORE-1. T-MOBILE STORE-2 is located approximately 6.7 miles from T-MOBILE STORE-1.

10. Based on a review of surveillance video and witness interviews, one of the store's employees went to lock the front door to prepare for closing. The employee was met by Co-Conspirator 1, who brandished a firearm and told him to go back inside. Two customers and several employees were inside of T-MOBILE STORE-2 at the time. Co-Conspirator 1 ordered everyone into the back of the store. He then filled a black bag with cell phones that were stored in a safe. Co-Conspirator 1 left the store after stealing approximately 90 phones.

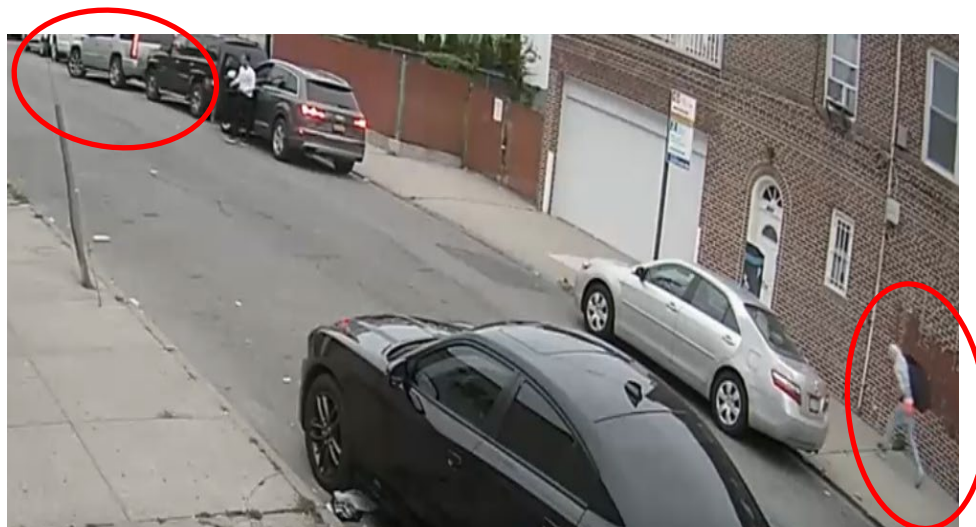
11. Law enforcement agents and personnel from T-MOBILE STORE-2 estimate the value of the stolen phones to be approximately \$74,099.36.

12. Based on a review of surveillance video from before the robbery, the Escalade arrived at T-MOBILE STORE-2's location and parked around the corner from the store.

13. Shortly thereafter, surveillance video captured the Cherokee (believed to be driven by THOMAS) arriving on the same block where the Escalade had already parked. The video then captured Co-Conspirator 1 leave THOMAS's Cherokee and approach the Escalade.



14. Separate video after the robbery captured Co-Conspirator 1 run from the direction of T-MOBILE STORE-2 and jump into the Escalade where it had remained parked during the robbery. The video also appeared to show a large black bag slung across his shoulder. The Escalade drove away after Co-Conspirator 1 got into the car.



15. On or about July 6, 2022, law enforcement agents performed an “off-line search” on Co-Conspirator 2. An “off-line search” allows law enforcement to query a subject based on certain indicators such as date of birth. This search provides law enforcement with information related to historical contacts a person may have had with law enforcement. Based on that search, law enforcement learned that Co-Conspirator 2 had been stopped by New Jersey State Police on June 20, 2022 at approximately 11:00 a.m. in an unknown vehicle with Florida License Plate QMVK66 (the “Florida License Plate”).

16. Later the same day, law enforcement agents ran the Florida License Plate and learned that the vehicle associated with that license plate number had also received an automated summons later that day on June 20, 2022 at approximately 7:07 p.m. for a traffic violation near Eastern Parkway and Troy Avenue in Brooklyn. From that summons, agents learned for the first time that the Florida License Plate belonged to the Cherokee and that it was owned by Sixt Rent-a-Car. Because the summons was automated, it did not contain any information as to the driver’s identity.

17. On or about July 7, 2022, law enforcement agents contacted Sixt Rent-a-Car and requested paperwork related to the rental of the Cherokee and learned the following day that it had been rented on June 1, 2022 at JFK Airport by Witness-1 (“W-1”). Additionally, enforcement agents learned that W-1 had also rented a 2021 BMW X4 with Florida License Plate QMXA96 (the “BMW”) from JFK on June 29, 2022.

18. A review of W-1’s Facebook account shows that the defendant CHARLES THOMAS and W-1 have a close connection based on a publicly available photo posted below on W-1’s Facebook account featuring THOMAS and W-1 together.

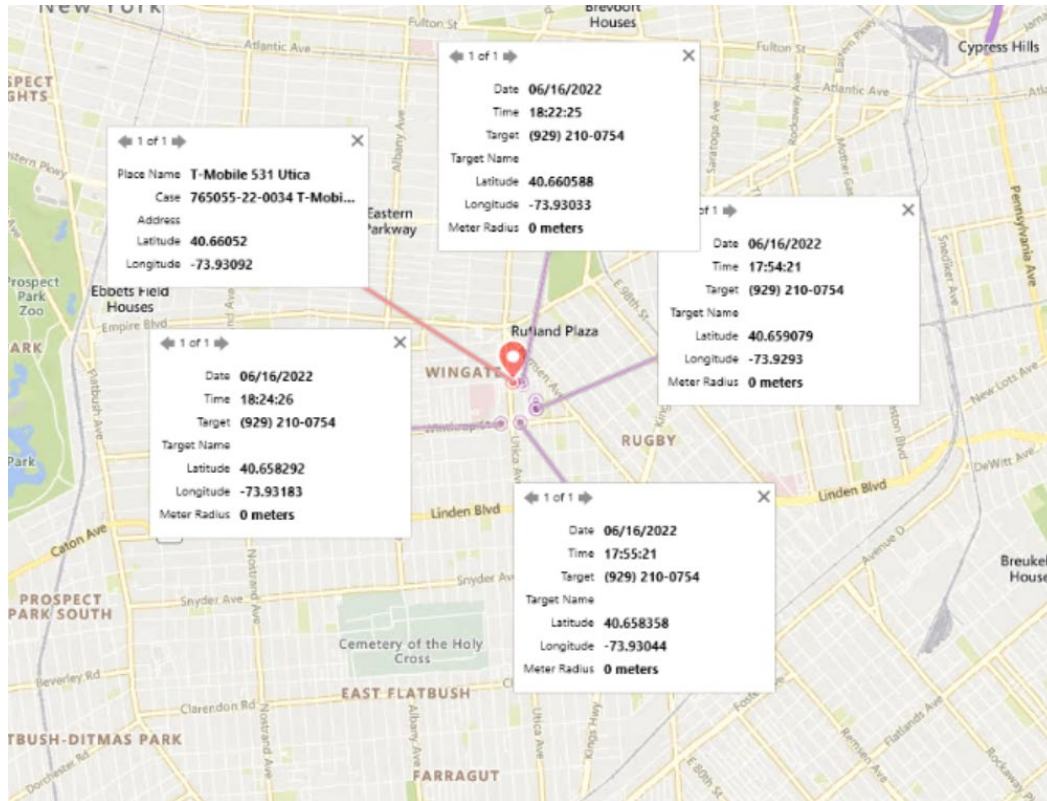
19. Based on the information received from Sixt Rent-a-Car, law enforcement agents ran the license plates for the Cherokee as well as the BMW and learned that the defendant CHARLES THOMAS had received a traffic summons on July 7, 2022 for driving the BMW in a bike lane near the intersection of Dekalb Avenue and Skillman Street in Brooklyn. The date of birth on the summons matched THOMAS's date of birth.

20. Law enforcement agents then conducted a criminal history check on the defendant CHARLES THOMAS and learned that he had multiple state robbery convictions in Brooklyn and Manhattan. Most recently, THOMAS was convicted of Hobbs Act robbery in the Eastern District of New York. See United States v. Charles Thomas, 1:16-CR-50 (S-1) (DLI). That conviction stemmed from an armed robbery committed on January 18, 2016 by a three-person crew that robbed an AT&T cell phone store in Brooklyn. In that case, THOMAS's co-conspirators entered the store, brandished a firearm at store employees, and stole approximately 47 cell phones. The co-conspirators then fled in a rental car driven by THOMAS, who waited outside. Unbeknownst to the crew, one of the stolen cell phones contained a GPS tracker that allowed law enforcement agents to quickly arrest THOMAS after the robbery.

21. On April 24, 2019, THOMAS was sentenced to 96 months' imprisonment followed by three years of supervised release by the Honorable Dora Irizarry. A condition of THOMAS's supervised release included the use of a GPS-enabled ankle monitor.

22. Subpoenaed records for the defendant CHARLES THOMAS's ankle monitor revealed his whereabouts on each of the days in the Robbery Conspiracy.

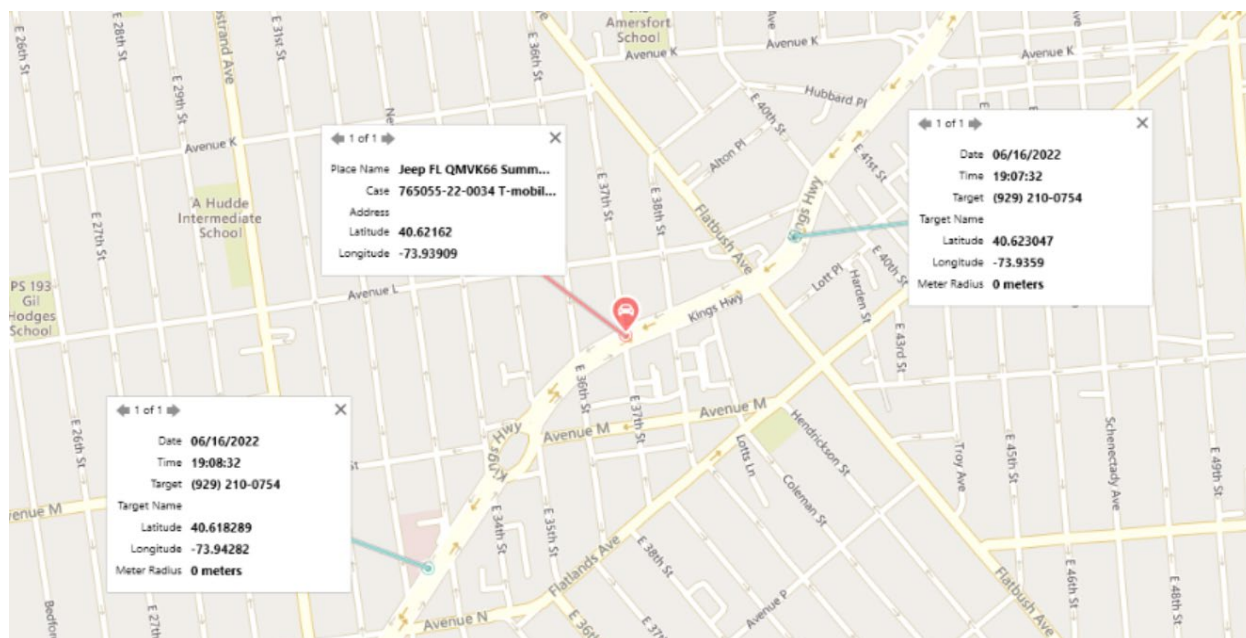
23. As shown below, THOMAS's GPS location data (below in purple) on June 16, 2022 placed him within a block of T-MOBILE STORE-1 (below in red) at approximately the same time of the attempted robbery at that location.



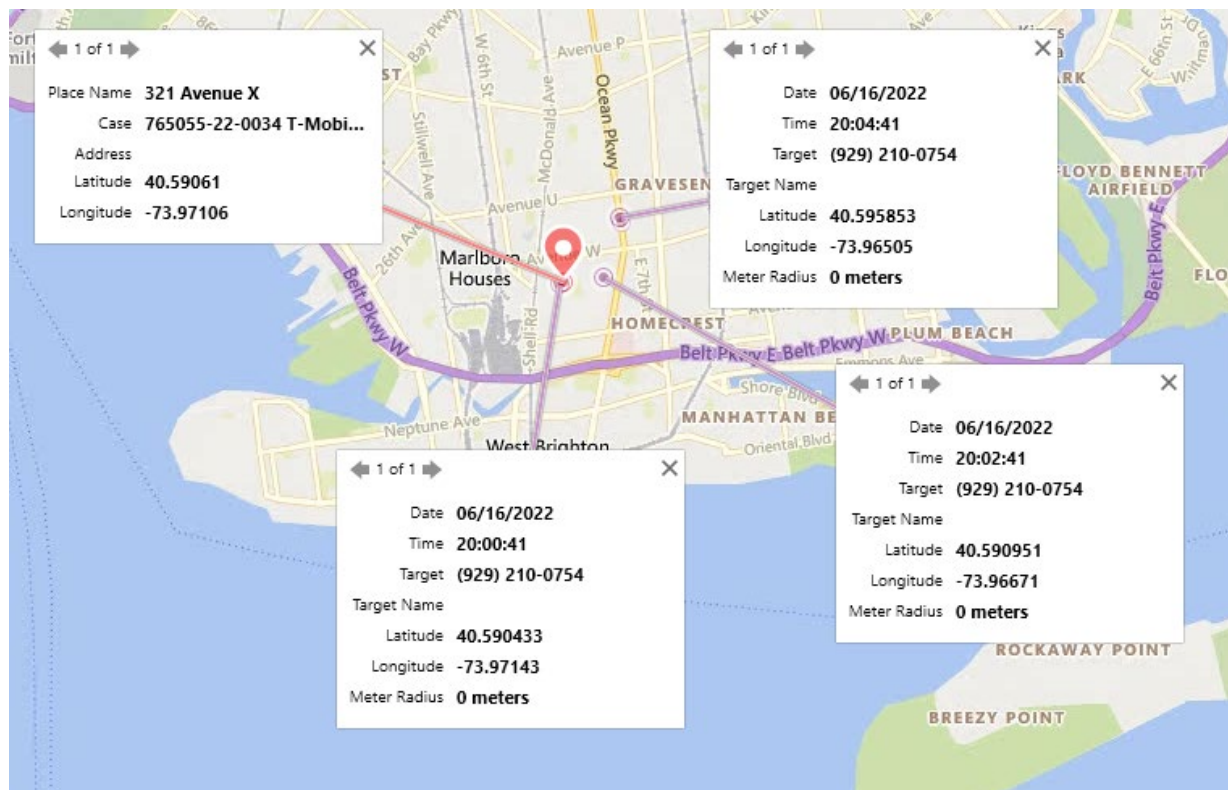
24. After the robbery of T-MOBILE STORE-1 but before the robbery of T-MOBILE STORE-2, the Cherokee received the automated summons below for a bus lane violation near the intersection of Kings Highway and E. 37th Street in Brooklyn at 7:07 p.m. This summons did not involve any police interaction. Instead, the summons was issued to Sixt Rent-a-Car.

Precinct: 000	Summons #: 4024654494	Summons Date: 06/16/2022	Violation Time: 19:07
Location			
Street: WB KINGS HIGHWAY Intersection: @ E37TH ST County: BK Borough: Violation Desc: BUS LANE VIOLATION		Violation Section: 1111 Sub Division: C Violation Location: Violation Post:	
Person			
Owner Last name: SIXT RENT A CAR LLC Owner Middle Initial: Owner First Name: UNKNOWN DOB:		Street #: 1501 Street Name: NW 49TH ST STE100 Apt #: City: FORT State: LAUDERDALEFL	
Vehicle			
Vehicle Plate Number: QMVK66 Vehicle Year: 2021 Vehicle Make: JEEP Plate Category: Alternate Plate Number:	Vehicle State: FL Vehicle Vin #: 1C4RJFLGXM650605 Vehicle Body Type: UT Plate Tab Year: Alternate Plate State:	Vehicle Color: RED Plate type: 16 Plate Exp Date: Check Digit:	

25. The location of this summons was roughly in between T-MOBILE STORE-1 and T-MOBILE STORE-2. The map below shows the proximity of that summons location (below in red) to THOMAS's GPS location data within a one-minute interval (7:07:32 p.m. – 7:08:32 p.m.) of when the summons was issued. This appears to show that THOMAS was the driver (or at least a passenger) in the Cherokee at the time of the attempted robbery of T-MOBILE STORE-1 and then continued to travel in the Cherokee on the way to the location of T-MOBILE STORE-2.



26. After arriving to the location of T-MOBILE STORE-2 (below in red), THOMAS's GPS location data records (below in purple) also placed him within a short distance of T-MOBILE STORE-2 at the approximate time of the robbery.



27. Based on the investigation, the defendant CHARLES THOMAS worked in tandem with his indicted co-conspirators, specifically Co-Conspirator 1 and Co-Conspirator 2, to advance the Robbery Conspiracy by traveling with his co-conspirators and transporting Co-Conspirator 1 to both of the robbery locations, which ultimately culminated in the successful robbery of T-MOBILE STORE-2.

WHEREFORE, your deponent respectfully requests that the defendant CHARLES THOMAS be dealt with according to law.

/s/ TYLER MICELI
TYLER MICELI
Detective/Task Force Officer
NYPD/ATF Joint Robbery Task Force

Sworn to before me this
___ day of October, 2022

Cheryl L. Pollak 10-1-2022
THE HONORABLE CHERYL L. POLLAK
CHIEF UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK